

Second and Final Report of Wellesley Town Government Committee to 1995 Annual Town Meeting

I. Background

The Wellesley Town Government Committee ("WTG Committee") was established by vote under Warrant Article 26 of the 1993 Annual Town Meeting to evaluate the management structure of the town of Wellesley. Its wide ranging charge directed this Committee to evaluate (1) what, if any, defects exist in the present form of Town Government, (2) reasonable alternatives to the present form of decentralized government, (3) the relative merits of an Executive Director, Town Administrator and Town Manager, and (4) how communication and cooperation among elected and appointed boards may be improved. A copy of this charge is attached to this report as Appendix A.

The WTG Committee came into being as a result of the interaction of two quite divergent points of view with respect to the best structure for Wellesley town government. One favors the existing form of decentralized government through essentially autonomous committees. The other urges a strong Town Manager system with a streamlined committee structure. This conflict was, and is, nothing new to the Town. It has generated previous studies of Wellesley town government structure, the two most recent being in 1986 and 1987.

The WTG Committee was not intended to be another study committee. In his letter notifying the WTG Committee members of their appointment, the Town Moderator amplified on the mission of this committee by commenting to its members as follows:

"The theme I would like to introduce is to the effect that this committee is intended to take the work done by the prior 'study' committees and to obtain some additional input before trying to bring all of this to some conclusion. It would be my hope that after your committee completes its work the reorganization or restructuring of Town Government would either be on its way to fruition or people would have reached a consensus that Town Government should retain the same structure for the foreseeable future."

The WTG Committee was created with a one year life but to give it more time to grapple with issues presented by the two points of view described above, this Committee requested the 1994 Town Meeting to extend its life until the 1995 Annual Town Meeting with no change in its

charge. This request was granted by vote of the 1994 Town Meeting. A copy of that vote is attached as Appendix B to this report.

At the same time that the 1994 Town Meeting extended the life of the Committee it also voted to adopt two of the three interim recommendations of the Committee as proposed in its First Report to the 1994 Town Meeting. One of these recommendations dealt with providing for centralized staff services and the other called for an improved system for citizen inquiries. The WTG Committee's third recommendation which urged a modification of the budget process was rejected. None of these three recommendations called for any structural change in Wellesley town government.

During calendar year 1994, two changes occurred in the membership of WTG Committee, one caused by the resignation of Patricia Palmer and the other by the death of Constantine Simonides. These two vacancies were filled by the Town Moderator's appointment to this Committee of David Dinwoodey and Richard McGhee.

II. Recommendations re Change in Wellesley Town Government Relating to the Office of Executive Director of General Government Services (Warrant Article 17)

In furtherance of its charge, the WTG Committee has voted (with one dissenting vote), that certain changes be made in the town bylaws relating to the office of Executive Director of General Government Services. The basic purpose of these proposed changes is to reflect in the town bylaws the concept that in the areas of General Government Services (i.e., the functions and departments under the jurisdiction of the Board of Selectmen) there should be a single administrator who possesses the essential authority and responsibilities that are presently vested in the Executive Director of General Government Services and in the Director of Financial Services. Since one person now fills both of these positions, the proposed bylaw changes reflect the situation as it now in fact exists. The WTG Committee is of the view that this structure should be recognized as a continuing part of Wellesley town governance and appropriately reflected in the bylaws of the town.

The existing town bylaws in Article 19 deal with the Board of Selectmen and establish the position of Executive Director of General Government Services with such duties as the Selectmen may delegate. Article 24 of the bylaws establishes a Department of Financial Services which is responsible to the Selectmen and is headed by a Director of Financial Services appointed by the Selectmen for a three year term. Until recently, these two positions were filled by different people, each with his

own sphere of responsibilities. The WTG Committee believes that the combining of these two offices into a single office headed by an overall general administrator for government services results in greater efficiency and more effective administration and that it would be unwise to return to the concept of having the two separate positions. Expressed another way, the WTG Committee feels that when it becomes necessary for the Town to find a new Executive Director, the bylaws should make it clear just what the position is that the successor is being hired to fill.

The changes proposed by this Committee to carry out this recommendation call for amending the Town Bylaws, Article 19, BOARD OF SELECTMEN, Article 24, DEPARTMENT OF FINANCIAL SERVICES, and Article 32, RETIREMENT BOARD.

A copy of these three Articles as they appear in the existing Town Bylaws is attached as Appendix C to this report. A copy of these three Articles which incorporates the changes being proposed by the WTG Committee is attached as Appendix D to this report.

The significant changes being proposed are the following:

1. Sections 19.31 and 19.32 have been rewritten to describe the role and responsibilities of the Executive Director as visualized by this Committee.
2. Article 24 is being struck out and its description of the Department of Financial Services has been relocated within Article 19 as Part IV of that Article.
3. Existing town bylaws provide that the Director of Financial Services shall be ex officio the town comptroller and town accountant. The proposed revisions do not refer to the town comptroller since that office no longer in fact exists, but they do incorporate in the bylaws in new Section 19.42 a description of the present position of Town Accountant who would be appointed for a three year term by the Executive Director, subject to the approval of the Selectmen. The Town Accountant is to be subject to the direction and supervision of the Executive Director and is to have the powers and duties customarily vested in town accountants.

4. The term of Treasurer and Collector of Taxes is proposed to be the same duration as that proposed for the Town Accountant, namely three years.

5. Article 32 relating to the Retirement Board is to be amended to provide that the Executive Director, rather than the Director of Financial

Services, is to become ex officio, a member of the Retirement Board.

The proposed revisions provide that the term of the Executive Director shall be as determined by the Selectmen. This Committee recognized that arguments can be made in favor of a fixed term. It was, however, our judgment that given the responsibility of the position and its significance to the Selectmen, who will be hiring the Executive Director and to whom that official would be accountable, the Selectmen should be the agency within the town to fix the term of employment.

It also should be emphasized that, in terms of governmental structure, the only town board or committee directly affected by these proposed changes is the Board of Selectmen and that in the case of the Board of Selectmen no increase or decrease in its responsibilities is being proposed.

III. Reconsideration of Need for Voter Referendum (Warrant Article 18)

The charge given the WTG Committee provides that if the Town Meeting votes for any change in Wellesley town government as a result of a recommendation of this Committee, such a change must be submitted to the voters of Wellesley for approval. This requirement of a voter referendum was a part of the charge given to this Committee upon its creation and continued, without discussion, when the life of the Committee was given a one year extension.

The purpose of Warrant Article 18 is to give the 1995 Town Meeting the opportunity to reexamine the need for voter approval of the bylaw changes proposed by Warrant Article 17 should the Town Meeting choose to approve them.

The wide range and scope of the charge given to the WTG Committee empowered this Committee to recommend profound changes in the structure of Wellesley town government should it decide to do so. In the light of the possibility of such fundamental changes and the wide divergence of views being articulated as to how the town should be managed, it is understandable that the 1993 Town Meeting wanted the reassurance of a voter referendum before any significant alteration in Wellesley town government went into effect. The changes, however, contemplated by our proposed bylaw changes are not of such magnitude or impact.

Accordingly, the WTG Committee (with one member dissenting) feels that the 1995 Town Meeting should, as a separate issue, clarify the question of whether or not the bylaw revisions being recommended by this Committee pursuant to Warrant Article 17 need to be submitted to a voter

referendum procedure. It is the view of a majority of this Committee that these bylaw revisions are not of sufficient significance or impact so as to call for approval by Wellesley town voters.

IV. Certain Observations of the Wellesley Town Government Committee

1. From the nature of the recommendations being made by the WTG Committee it is obvious that this Committee is not making any recommendation which will change the existing form of Wellesley's decentralized government with its emphasis on citizen participation through essentially autonomous committees. This represents a consensus on the part of the WTG Committee that the essentials of the existing structure should not be changed at this time. The reasons, however, which led the Committee to this consensus vary widely. Some members reached this conclusion because they feel that on the merits the existing structure is the one best suited for the town of Wellesley. Others supported it because they found insufficient evidence or justification to warrant change. Some others feel that while certain changes might be advisable, now was not the time to urge their consideration.

2. When the 1994 Town Meeting gave its approval to two recommendations of the WTG Committee, one with respect to centralized staff support and the other relating to an improved system of citizen inquiries, it directed this Committee to present to the 1995 Annual Town Meeting a report on the status of the implementation of each of these two recommendations. Each of these recommendations provides that the details of how its purpose should be accomplished are to be determined by the Executive Director in collaboration with the town departments involved. In compliance with this directive the WTG Committee has received the report of the Executive Director on the status of implementation of these two recommendations. A copy of his report is included in this report of the WTG Committee as Appendix E.

Respectfully submitted,
Wellesley Town Government Committee

Ernest J. Sargeant, Chair
Ronald R. Cloutier
Stephen A. Cook
David T. Dinwoodey
Ruth Humphries
Judith S. Inker
Sara Johnson
Richard S. McGhee
William C. Nuring

Wellesley Town Government Committee Appendix A

ARTICLE 26: SUBSTITUTE MOTION TO APPOINT COMMITTEE TO EVALUATE TOWN MANAGEMENT

Vote adopted at 1993 Annual Town Meeting

1. That there be appointed a Committee to Evaluate Town Management, to consist of nine residents of the Town of Wellesley appointed by the Moderator; that the Committee shall make findings and recommendations in accordance with the charge outlined below; and that the Committee shall present its findings, recommendations and any proposed bylaw changes to the 1994 Annual Town Meeting; and

2. That the Committee be charged to do the following:

a. Evaluate (1) what if any defects exist in the present form of town government and what if any harm they cause, (2) whether there are reasonable alternatives to the present form of decentralized government, (3) the relative merits of an Executive Director, Town Administrator and Town Manager, and (4) how communication and cooperation among elected and appointed boards may be improved;

b. Analyze the cost and benefit differences between the current form of government and any proposed alternatives, and separately analyze, without respect to cost, the trade-offs between efficiency and citizen participation;

c. Consider and make recommendations on the consolidation of similar town government functions in order to provide better taxpayer/customer services;

d. Make other findings and recommendations related to the above; and

3. That the Committee shall consult with appointed and elected boards, committees and officers, in the Town, and shall hold at least three public hearings prior to preparing its findings and recommendations; and

4. That subsequent to the Town Meeting which takes action on the Committee's findings and recommendations, and if Town Meeting decides to vote for any changes in Wellesley town government as a result of the recommendations, such changes shall be submitted to the voters of Wellesley for approval at the 1994 general election.

Wellesley Town Government Committee
Appendix B

Vote Adopted at 1994 Annual Town Meeting
Extending for One Year the Life of
Wellesley Town Government Committee

1. That the Town extends generally to the 1995 Annual Town Meeting the life of the Wellesley Town Government Committee authorized under Article 26 of the Warrant for the 1993 Annual Town Meeting and continues its charge as set forth in said Article 26;
2. That such Committee be directed to present its findings, recommendations and any proposed Bylaw changes to the 1995 Annual Town Meeting and to include in its presentation to the 1995 Annual Town Meeting, a report on the status of the implementation of the recommendations set forth in the First Report of such committee to the extent such recommendations have been approved at the 1994 Annual Town Meeting;
3. That the Committee shall continue to consult with appointed and elected boards, committees and officers in the Town, and shall hereafter hold at least three public hearings prior to preparing its findings and recommendations; and
4. That subsequent to the Town Meeting, which takes action on the Committee's findings and recommendations, and if the Town Meeting decides to vote for any changes in Wellesley Town government as a result of the recommendations, such changes be submitted to the voters of Wellesley for approval.

Wellesley Town Government Committee
Appendix C

Existing Provisions of Articles 19, 24 and 32
of Wellesley Town Bylaws

ARTICLE 19. BOARD OF SELECTMEN

PART I. GENERAL PROVISIONS

19.1. Membership. The Town shall have an elected Board of Selectmen consisting of five registered voters of the Town.

19.2. Term. The term of office shall be three years.

PART II. GENERAL DUTIES

19.3. Powers. The Selectmen shall be the chief executive board of the Town and oversee all matters affecting the interest and welfare of the Town. They shall exercise the power and authority vested in the Town not specifically delegated by law to any other board or office.

19.4. War Memorial Scholarship Fund Trustees. The Selectmen shall be ex officio the War Memorial Scholarship Fund Trustees, who shall manage said fund in accordance with the provisions of Chapter 229 of the Acts of 1951, as amended and as the same shall be amended from time to time hereafter. The Town Treasurer shall be the custodian of all funds and securities thereof. The Selectmen shall include in the Annual Report a financial report of said fund, showing the total amount thereof, investments, receipts and their sources and disbursements and their purposes.

19.5. Capital Budgeting and Investments.

19.5.1. Capital Project Defined. For the purposes of this section, a "Capital Project" means:

- a. A project, estimated to cost in excess of \$100,000, for the construction, reconstruction, replacement, major repair or renovation, extension or other improvement of a public building, highway, sidewalk, storm drain, sewerage installation, incinerator, bridge, playground, part or like public works, including any work done by any public utility operated by the Town or for a facility, structure, or utility appurtenant to any of them; or
- b. A purchase of land, equipment, buildings or structures, estimated to cost in excess of \$100,000; or
- c. The preparation of plans, specifications or working drawings (estimated to cost in excess of \$10,000) for any project described in

subsections (a.) and (b.).

19.5.2. Report of Capital Projects. The Board of Selectmen shall coordinate the preparation and maintenance of the Town's Long Range Capital Budget Program as follows:

- a. The Selectmen shall work with other boards in coordinating the timing of proposed capital projects, taking into account the relative need for and cost of such projects, the effect the expenditures might have on the financial position of the Town, and alternative methods of financing.
- b. On the basis of the information submitted by each board pursuant to the provisions of Section 6.16, as may be modified with the consent of such board, the Selectmen shall compile and present to the Annual Town Meeting a Five Year Capital Budget Program for the Town showing anticipated capital projects and scheduled debt retirement.
- c. The Selectmen shall recommend to the Annual Town Meeting a proposed method of financing for each capital project proposed to be submitted for approval at such Town Meeting.

19.5.3. Investment of Town Funds. The Selectmen shall set guidelines and criteria for the Department of Financial Services for the investment of any and all types of Town funds, including trust funds, and shall establish adequate procedures for the reporting of investments of Town funds.

19.6. General Duties. The Selectmen shall have all of the powers and duties of boards of selectmen under the General Laws.

19.7. Appointments. The Selectmen shall appoint qualified persons to those positions which by law the board fills by appointment. Those positions include but are not limited to:

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| 1. Executive Director of General Government Services | 15. Public Weighers |
| 2. Fire Chief | 16. Constables |
| 3. Police Chief | 17. Civil |
| 4. Town Counsel | 18. Inspector of Wires |
| 5. Zoning Board of Appeals (including associate members) | 19. Inspector of Gas |
| 6. Art Commission | 20. Building Inspector |
| 7. Historical Commission | 21. Council on Aging |
| 8. Celebrations Committee | 22. Youth Commission |
| 9. Registrars of Voters (three or four) | 23. Keeper of the Lock up |
| | 24. Special Police |
| | 25. Dog Officer |

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| 10. Election Officers | 26. Historic District Commission |
| 11. Director of Veterans' Services | 27. Cable Television Committee |
| 12. Veterans' Grave Officer | 28. Wellesley Cable Access Board |
| 13. Director of Financial Services | (three members) |
| 14. Sealer of Weights and Measures | 29. Municipal Light Board |

19.8. Communication and Cooperation. The Selectmen shall encourage and facilitate close communication and cooperation among all boards, officers and officials.

19.9. Investigations. The Selectmen shall exercise the authority granted by Chapter 41, Section 23B of the General Laws to investigate the conduct and operation of any Town department and publish a report upon completion of such investigation.

19.10. Appearance Before Other Bodies. The Selectmen may appear personally, by counsel or by a designee before any committee of the General Court or before any other person or body to protect the interests of the Town. They are not authorized by this section to commit the Town to any course of action.

19.11. Legal Actions and Settlements. The Selectmen shall have full authority as agents of the Town, acting upon the advice of counsel, to institute, prosecute, defend and compromise any and all claims, actions, and proceedings on behalf of or against the Town and in which the interests of the Town are or may be involved. However, this authority shall not restrict the Collector of Taxes in the exercise of the powers for the collection of taxes and accounts due the Town conferred upon the Collector of Taxes by the General Laws. No settlement shall be made by a payment of more than \$5000 without authority from the Town.

19.12. Actions of Town Meeting. The Selectmen shall oversee the implementation of the actions of Town Meeting.

19.13. Enforcement of Bylaws and Regulations. The Selectmen shall be responsible for the enforcement of all bylaws and regulations of the Town.

19.14. Review of Bylaws and Government. The Selectmen shall periodically review the bylaws and the structure and functioning of Town government and make appropriate recommendations to the Town.

19.15. Budgets and Administration. Except as otherwise provided in or required by c. 164 of the General Laws, the Selectmen shall supervise those boards appointed by them and those departments responsible to them

and shall recommend and present to the Advisory Committee and to the Town Meeting budgets for all those departments.

19.16. Long-Range Plan. The Selectmen shall be responsible for coordinating the preparation, maintaining and presenting annually to the Town Meeting a Long-Range Master Plan for the Town. All Town boards and officers shall fully cooperate and participate in a Long-Range planning process.

19.17. Weekly Warrant. The Selectmen shall approve all bills before payment by the Treasurer.

19.18. System for Citizen Inquiries. The Selectmen shall establish a system to take effective and efficient action on citizen complaints and requests for service.

19.19. Licensing Board. The Selectmen shall serve as the licensing board for the Town under those statutes granting licensing powers to boards of selectmen.

19.20. House Numbers. The Selectmen may at any time in their discretion, and shall within ten days from the receipt of a request from the owner of any building, designate the numbers to be affixed to or painted on the building. The owner of each building so designated shall comply within ten days after receiving notice thereof.

19.21. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

PART III. PROFESSIONAL STAFF

19.31. Executive Director of General Government Services. The Selectmen shall appoint an Executive Director of General Government Services and delegate to the Executive Director of General Government Services such duties as they deem appropriate. The delegation of major responsibilities shall be in writing.

19.32. Term. The Executive Director of General Government Services shall have a term of one year commencing on July 1 and shall serve at the discretion of the Selectmen. An Executive Director of General Government Services may be reappointed annually without limit.

19.33. Duties and Authority. The Executive Director of General

Government Services shall act for the Selectmen in any matter that they may delegate to the Executive Director of General Government Services relating to the affairs of the Town or of any office or department under their supervision. When doing so, the Executive Director of General Government Services acts with the authority of the Selectmen.

19.34. Selectmen's Office. The Executive Director of General Government Services shall administer the Selectmen's Office.

19.35. Coordination. The Executive Director of General Government Services shall coordinate the activities of Town departments and arrange meetings between Town department heads in order to deal with common problems and allow an interchange of ideas and information.

19.36. Citizen Inquiries. The Executive Director of General Government Services shall administer the system established by the Selectmen under Section 19.18 for taking action on citizen complaints and requests for services.

PART IV. TOWN MEETING DUTIES

19.43. Town Meeting. The Selectmen are responsible for calling all Town Meetings and shall take such actions as are required by law or by Article 8 of these bylaws relative to Town Meeting.

19.44. Closing of Warrant. The Selectmen shall, by notice to each board and by notice in a newspaper generally circulated in the Town, specify the date when the warrant for any Town Meeting shall close.

19.45. Copies of Warrant. The Selectmen, after drawing a warrant for a Town Meeting, shall transmit as soon as possible a copy of the same to each member of the Advisory Committee and to each Town Meeting Member.

19.46. Copies of Motions. The Selectmen shall distribute copies of all draft motions received by them to the Moderator, Advisory Committee, Town Counsel, and to any board which in its opinion is likely to have an interest in the motion, so that they may communicate with the author of the motion as far in advance of the meeting as possible. Copies of such drafts shall also be available for public inspection at the Selectmen's office and at the Wellesley Free Library.

ARTICLE 24. DEPARTMENT OF FINANCIAL SERVICES

PART IV. DEPARTMENT OF FINANCIAL SERVICES

24.1. Department. The Town shall have a Department of Financial Services. The Department shall be responsible to the Selectmen. Its duties and responsibilities shall include but not be limited to, the following:

- a. Coordination and administration of Town financial services and activities;
- b. Duties vested by law in comptrollers, town accountants, and town treasurers and collectors of taxes;
- c. Maintenance of Town accounting records and financial statements;
- d. Payment of all Town obligations, after securing required approvals;
- e. Assisting in the development of budgets and reviewing of all budgets for format, completeness, and accuracy before submission to the Advisory Committee;
- f. Monitoring of all expenditures of Town funds;
- g. Timely reporting to the Selectmen and to other appropriate boards of actual or foreseeable incurring of obligations or expenditures of funds in excess of budgeted appropriations;
- h. Maintenance of payroll and other financial records relating to all Town personnel;
- i. Preparing and supervising purchasing and inventory control procedures;
- j. Administering the disposal of Town property;
- k. At regular intervals send to each board a statement of the funds expended during the preceding month and a statement of the balances remaining under appropriated budgets; and
- l. Supervision of all data processing.

24.2. Director. The Department shall be headed by a Director of Financial Services (the "Director"). The Director shall be appointed by the Selectmen for a term of three years commencing on July 1. The Director shall supervise and manage the Department of Financial Services and shall be ex officio the Town Comptroller and Town Accountant.

24.3. Treasurer and Collector of Taxes. The Town shall have a Town Treasurer and Collector of Taxes, who shall be appointed annually as of July 1 by the Director, subject to the approval of the Selectmen. The Treasurer and Collector of Taxes shall be subject to the direction and supervision of the Director and shall have, except as otherwise expressly provided by these bylaws, the powers and duties vested by law in town treasurers and collectors of taxes. Among the duties and responsibilities of the Treasurer and Collector of Taxes shall be the following:

- a. Collection of taxes and other funds due the Town, including the receipt of payments made on utility bills prepared and sent by the Department of Public Works;
- b. Initiation, with the assistance of the Director and with the approval of the Selectmen, of legal action to collect overdue funds payable to the Town;
- c. Delivery of copies of any notice required by General Laws, Chapter 60, of intent to take land for the Town for nonpayment of taxes and of subsequent action relating to such taking, and copies of any court order of judgment with respect to the validity or invalidity of the title in any parcel of land so taken, to the Selectmen, Planning Board, Board of Public Works, Natural Resources Commission, Housing Authority, Recreation Commission, School Committee and any other board that may request such notice, or their successors; and
- d. Investment of Town funds in accordance with the guidelines and criteria set by the Board of Selectmen for the investment of any and all types of Town funds as provided in Article 19.6.3. Investment of Town Funds.
- e. Inform all licensing authorities and assist in the collection of unpaid taxes, fees, assessments, betterments, and other municipal charges in accordance with the following procedure:

(I) The Tax Collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as The Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(II) The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Licensing Authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing.

to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such license denial revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Licensing Authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as the date of issuance of said certificate.

(III) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(IV) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section one of Chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: (The references hereinafter set forth being to the General Laws): Open Burning (Section thirteen of Chapter forty-eight); Bicycle Permits (Section eleven A of Chapter eighty-five); Sales of Articles for Charitable Purposes (Section thirty-three of Chapter one hundred and one); Children Work Permits (Section sixty-nine of Chapter one hundred and forty-nine); Clubs and Associa-

tions Dispensing Food or Beverage Licenses (Section twenty-one E of Chapter one hundred and forty); Dog Licenses (Section one hundred and thirty-seven of Chapter one hundred and forty); Fishing, Hunting, Trapping License (Section twelve of Chapter one hundred and thirty-one); Marriage Licenses (Section twenty-eight of Chapter two hundred and seven) and Theatrical Events, Public Exhibition Permits (Section one hundred and eighty-one of Chapter one hundred and forty).

24.4. Purchasing Guidelines. The Director, in cooperation with the Superintendent of Schools, the Director of Public Works and any other Town Officers selected by the Director, shall adopt policies and procedures governing the process by which each board or department of the Town purchases or leases any item or service. The policies and procedures shall, among other things:

- a. Implement the several General Laws governing procurements by all Town departments, by providing internal procedures and guidelines for all Town procurements including, without limitation, those procurements governed by General Laws, Chapter 30B, the Uniform Procurement Act, and such other governing authority, when deemed by the Director to be helpful to the procuring departments and to the Department of Financial Services;
- b. Ensure compliance with the 3-year limitation in procurement contracts governed by the Uniform Procurement Act, except to the extent a longer term has been authorized by Town Meeting pursuant to General Laws, Chapter 30B, Section 12 (B), in the following respects:

<u>TYPE OF CONTRACT</u>	<u>LIMIT ON DURATION</u>
1. Communication, (Equipment and/or servicing thereof)	5 Years
2. Trash removal from municipal buildings	5 Years
3. Transportation of school children	5 Years
c. Facilitate cooperation among all Town boards and departments to ensure that, to the extent possible, all Town boards and departments jointly purchase materials and supplies used by more than one boards and department;	

- d. Encourage bidding for serial purchasing of major items, as defined by the Director, by requiring that each board or department prepare annually a schedule of the anticipated quantity of major items to be purchased and the anticipated timing for writing specifications, advertising for bid, awarding contracts, and receiving the merchandise.

24.5. Inventory Records and Controls. The Director shall adopt policies and procedures by which all boards and departments maintain inventory records of all Town supplies, materials, and equipment and the procedures to be used for maintaining inventory controls.

24.6. Payment of Town Funds. The Director shall adopt policies and procedures governing the disbursement of Town funds. These policies and procedures shall, among other things, require that payment for purchases shall be processed in the following manner:

- a. No money shall be paid from the treasury of the Town without a warrant or order prepared by the Director of Financial Services and signed by a majority of the Selectmen.
- b. The Director of Financial Services shall have custody of all vouchers which have been entered on warrants for payment and approved by the Selectmen and Director of Financial Services. These vouchers shall be available for inspection during regular business hours.
- c. Whenever the account of any appropriation, other than an appropriation for a special purpose (such as a construction contract), for which the work has not been completed shows an unexpended balance at the end of the fiscal year, such balance (except in the case of the Electric Light Department) shall revert to the treasury of the Town as unappropriated funds; and
- d. No work, the payment for which is in any part to be contributed voluntarily by private individuals, firms, or corporations shall be performed by the officer, official, department, or board of the Town having charge thereof, until a sufficient sum has been deposited with the Town Treasurer to cover such voluntary contributions.

24.7. Disposal of Town Property. The Director shall adopt policies and procedures governing the disposal of surplus and obsolete Town property. "Disposal" includes any method by which the officer, official, board, or department responsible for the property terminates or substantially reduces its right to control the property. The policies and procedures shall,

among other things:

- a. Implement the General Laws governing the disposal to a third party of a tangible supply no longer useful to the Town but having re-sale or salvage value (General Laws, Chapter 30B, Section 15) and the rental, conveyance or other disposition of real property (General Laws, Chapter 30B, Section 16).
- b. Establish internal procedures to ensure that no tangible or real property of the Town shall be disposed of to a third party without first ascertaining that it is not in the Town's interest to retain and/or transfer the property to another Town department.
- c. Provide that no property belonging to the Municipal Light Plant having a value in excess of \$30,000, no other tangible Town property having a value in excess of \$10,000, and no real property shall be disposed of without Town Meeting approval.
- d. Provide that each board, officer, official, and department shall annually view its property for obsolescence and report thereon to the Director and shall promptly take steps for all surplus and obsolete property.

24.8. Evasion. No action shall be taken to increase or decrease, by combination or division or in any other way, the value of any item, service, or piece of property so as to avoid the effects of policies and procedures adopted by the Director under Sections 24.4. and 24.7.

24.9. Annual Report. In addition to the requirements of Article 4, the Director's annual report shall satisfy the requirements of Chapter 41, Section 61 of the General Laws and shall include financial statements showing the financial condition of the Town at the close of the last completed fiscal year, the results of operations in the fiscal year last completed (in the usual accounting format but of limited length and complexity), and a summary statement of (i) all investments made by the Town during the last completed fiscal year, including the rates of return, (ii) all borrowings, including amounts, rates of interest, and names of lenders from whom the money was borrowed and (iii) a list of insurance policies showing the property covered, the amount of each policy, the premiums, the names of the insurers, and the agents through whom the policies were purchased. The Director's report need not repeat information contained in the annual report of the Audit Committee.

24.10. General Provisions. The Department shall also be governed by the applicable provisions of Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 32. RETIREMENT BOARD

32.1. Membership. The Town shall have a Retirement Board consisting of three persons selected in accordance with Chapter 32, Section 20(4), of the General Laws:

- a. The Director of Financial Services, ex officio;
- b. A person elected by the members in service of the Town retirement system from among their number, or from among persons retired from such system;
- c. A person chosen by the other two members of the Board. If the third member is not chosen by the other two members within thirty days after the expiration of the term of the third member, that member shall be appointed by the Selectmen.

32.2. Terms. The term of office for the elected and appointed members shall be three years. Election of a member shall be held under the supervision of the Retirement Board.

32.3. Vacancies. In case of a vacancy, a successor shall be elected or appointed in the same manner as the former member.

32.4. General Duties. The Board shall have the powers and duties of retirement boards under Chapter 32 of the General Laws. These include managing the Town contributory retirement system.

32.5. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

Wellesley Town Government Committee Appendix D

Existing Provisions of Articles 19, 24 and 32
of Wellesley Town Bylaws Incorporating Revisions as
Proposed by Wellesley Town Government Committee
to 1995 Wellesley Town Meeting

ARTICLE 19. BOARD OF SELECTMEN

PART I. GENERAL PROVISIONS

19.1. Membership. The Town shall have an elected Board of Selectmen consisting of five registered voters of the Town.

19.2. Term. The term of office shall be three years.

PART II. GENERAL DUTIES

19.3. Powers. The Selectmen shall be the chief executive board of the Town and oversee all matters affecting the interest and welfare of the Town. They shall exercise the power and authority vested in the Town not specifically delegated by law to any other board or office.

19.4. War Memorial Scholarship Fund Trustees. The Selectmen shall be ex officio the War Memorial Scholarship Fund Trustees, who shall manage said fund in accordance with the provisions of Chapter 229 of the Acts of 1951, as amended and as the same shall be amended from time to time hereafter. The Town Treasurer shall be the custodian of all funds and securities thereof. The Selectmen shall include in the Annual Report a financial report of said fund, showing the total amount thereof, investments, receipts and their sources and disbursements and their purposes.

19.5. Capital Budgeting and Investments.

19.5.1. Capital Project Defined. For the purposes of this section, a "Capital Project" means:

- a. A project, estimated to cost in excess of \$100,000, for the construction, reconstruction, replacement, major repair or renovation, extension or other improvement of a public building, highway, sidewalk, storm drain, sewerage installation, incinerator, bridge, playground, part or like public works, including any work done by any public utility operated by the Town or for a facility, structure, or utility appurtenant to any of them; or
- b. A purchase of land, equipment, buildings or structures, estimated to cost in excess of \$100,000; or
- c. The preparation of plans, specifications or working drawings (estimated to cost in excess of \$10,000) for any project described in subsections (a.) and (b.).

19.5.2. Report of Capital Projects. The Board of Selectmen shall coordinate the preparation and maintenance of the Town's Long Range Capital Budget Program as follows:

a. The Selectmen shall work with other boards in coordinating the timing of proposed capital projects, taking into account the relative need for and cost of such projects, the effect the expenditures might have on the financial position of the Town, and alternative methods of financing.

b. On the basis of the information submitted by each board pursuant to the provisions of Section 6.16, as may be modified with the consent of such board, the Selectmen shall compile and present to the Annual Town Meeting a Five Year Capital Budget Program for the Town showing anticipated capital projects and scheduled debt retirement.

c. The Selectmen shall recommend to the Annual Town Meeting a proposed method of financing for each capital project proposed to be submitted for approval at such Town Meeting.

19.5.3. Investment of Town Funds. The Selectmen, after consultation with the Executive Director of General Government Services, shall set guidelines and criteria for the Department of Financial Services for the investment of any and all types of Town funds, including trust funds, and shall establish adequate procedures for the reporting of investments of Town funds.

19.6. General Duties. The Selectmen shall have all of the powers and duties of boards of selectmen under the General Laws.

19.7. Appointments. The Selectmen shall appoint qualified persons to those positions which by law the board fills by appointment. Those positions include but are not limited to:

1. Executive Director of General Government Services	15. 14. Public Weighers
2. Fire Chief	16. 15. Constables
3. Police Chief	17. 16. Civil
4. Town Counsel	18. 17. Inspector of Wires
5. Zoning Board of Appeals (including associate members)	19. 18. Inspector of Gas
6. Art Commission	20. 19. Building Inspector
7. Historical Commission	21. 20. Council on Aging
8. Celebrations Committee	22. 21. Youth Commission
9. Registrars of Voters (three or four)	23. 22. Keeper of the Lock up
10. Election Officers	24. 23. Special Police
11. Director of Veterans' Services	25. 24. Dog Officer
12. Veterans' Grave Officer	26. 25. Historic District Commission
13. Director of Financial Services	27. 26. Cable Television Committee
	28. 27. Wellesley Cable Access Bd (three members)

14. 13. Scaler of Weights and Measures 29. 28. Municipal Light Board
19.8. Communication and Cooperation. The Selectmen shall encourage and facilitate close communication and cooperation among all boards, officers and officials.

19.9. Investigations. The Selectmen shall exercise the authority granted by Chapter 41, Section 23B of the General Laws to investigate the conduct and operation of any Town department and publish a report upon completion of such investigation.

19.10. Appearance Before Other Bodies. The Selectmen may appear personally, by counsel or by a designee before any committee of the General Court or before any other person or body to protect the interests of the Town. They are not authorized by this section to commit the Town to any course of action.

19.11. Legal Actions and Settlements. The Selectmen shall have full authority as agents of the Town, acting upon the advice of counsel, to institute, prosecute, defend and compromise any and all claims, actions, and proceedings on behalf of or against the Town and in which the interests of the Town are or may be involved. However, this authority shall not restrict the Collector of Taxes in the exercise of the powers for the collection of taxes and accounts due the Town conferred upon the Collector of Taxes by the General Laws. No settlement shall be made by a payment of more than \$5000 without authority from the Town.

19.12. Actions of Town Meeting. The Selectmen shall oversee the implementation of the actions of Town Meeting.

19.13. Enforcement of Bylaws and Regulations. The Selectmen shall be responsible for the enforcement of all bylaws and regulations of the Town.

19.14. Review of Bylaws and Government. The Selectmen shall periodically review the bylaws and the structure and functioning of Town government and make appropriate recommendations to the Town.

19.15. Budgets and Administration. Except as otherwise provided in or required by c. 164 of the General Laws, the Selectmen shall supervise those boards appointed by them and those departments responsible to them and shall recommend and present to the Advisory Committee and to the Town Meeting budgets for all those departments.

19.16. Long-Range Plan. The Selectmen shall be responsible for coordinating the preparation, maintaining and presenting annually to the

Town Meeting a Long-Range Master Plan for the Town. All Town boards and officers shall fully cooperate and participate in a Long-Range planning process.

19.17. Weekly Warrant. The Selectmen shall approve all bills before payment by the Treasurer.

19.18. System for Citizen Inquiries. The Selectmen shall establish a system to be administered by the Executive Director of General Government Services to take effective and efficient action on citizen complaints and requests for service.

19.19. Licensing Board. The Selectmen shall serve as the licensing board for the Town under those statutes granting licensing powers to boards of selectmen.

19.20. House Numbers. The Selectmen may at any time in their discretion, and shall within ten days from the receipt of a request from the owner of any building, designate the numbers to be affixed to or painted on the building. The owner of each building so designated shall comply within ten days after receiving notice thereof.

19.21. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

PART III. PROFESSIONAL STAFF

19.31. Executive Director of General Government Services. The Selectmen Town shall appoint have an Executive Director of General Government Services (the "Executive Director") who shall be appointed by the Selectmen and delegate to the Executive Director of General Government Services such duties as they deem appropriate. The delegation of major responsibilities shall be in writing.

19.32. Term. The Executive Director shall be responsible, subject to these bylaws, to the Selectmen for the proper management and administration of the functions, officials and departments under the jurisdiction of the Selectmen and shall be the chief financial officer of the Town of General Government Services shall have a term of one year commencing on July 1 and shall serve at the discretion of the Selectmen. An Executive Director of General Government Services may be reappointed annually without limit.

19.33. Duties and Authority. The Executive Director of General Govern-

ment Services shall have such specific duties and delegations as the Selectmen may from time to time specify. In addition the Executive Director shall coordinate the activities of Town departments and arrange meetings between Town department heads in order to deal with common problems and allow an interchange of ideas and information. The Executive Director shall act for the Selectmen in any matter that they may delegate to the Executive Director of General Government Services relating to the affairs of the Town or of any office or department under their supervision. When doing so, the Executive Director of General Government Services acts with the authority of the Selectmen.

19.34. Selectmen's Office 19.32. Term and Staff. The Executive Director shall be appointed for such term as the Selectmen may determine and shall have such staff as the Selectmen deem appropriate. of General Government Services shall administer the Selectmen's Office.

19.35. Coordination. The Executive Director of General Government Services shall coordinate the activities of Town departments and arrange meetings between Town department heads in order to deal with common problems and allow an interchange of ideas and information.

19.36. Citizen Inquiries. The Executive Director of General Government Services shall administer the system established by the Selectmen under Section 19.18 for taking action on citizen complaints and requests for services.

PART IV. TOWN MEETING DUTIES

19.43. Town Meeting. The Selectmen are responsible for calling all Town Meetings and shall take such actions as are required by law or by Article 8 of these bylaws relative to Town Meeting.

19.44. Closing of Warrant. The Selectmen shall, by notice to each board and by notice in a newspaper generally circulated in the Town, specify the date when the warrant for any Town Meeting shall close.

19.45. Copies of Warrant. The Selectmen, after drawing a warrant for a Town Meeting, shall transmit as soon as possible a copy of the same to each member of the Advisory Committee and to each Town Meeting Member.

19.46. Copies of Motions. The Selectmen shall distribute copies of all draft motions received by them to the Moderator, Advisory Committee, Town Counsel, and to any board which in its opinion is likely to have an interest in the motion, so that they may communicate with the author of the motion as

far in advance of the meeting as possible. Copies of such drafts shall also be available for public inspection at the Selectmen's office and at the Westley Free Library.

ARTICLE 24. DEPARTMENT OF FINANCIAL SERVICES

PART IV. DEPARTMENT OF FINANCIAL SERVICES

~~24-19.41~~ Department. The Town shall have a Department of Financial Services *under the jurisdiction of the Selectmen*. The Department shall be responsible to the Selectmen *under the supervision and management of the Executive Director, as the chief financial officer of the Town*. Its duties and responsibilities shall include but not be limited to, *assisting the Executive Director in the following*:

- a. Coordination and administration of Town financial services and activities;
- b. Duties vested by law in comptrollers, town accountants, and town treasurers and collectors of taxes;
- c. Maintenance of Town accounting records and financial statements;
- d. Payment of all Town obligations, after securing required approvals;
- e. Assisting in the development of budgets and reviewing of all budgets for format, completeness, and accuracy before submission to the Advisory Committee;
- d. *Preparing and supervising purchasing and inventory control procedures;*
- e. *Administering the disposal of Town property; and*
- f. *Supervision of all network and information services.*

19.42. Town Accountant. The Town shall have a Town Accountant who shall be appointed for a three year term effective as of July 1 by the Executive Director, subject to the approval of the Selectmen. The Town Accountant shall be subject to the direction and supervision of the Executive Director and shall have, except as otherwise expressly provided by these bylaws, the powers and duties vested by law in town accountants. Among the duties and responsibilities of the Town Accountant shall be the following:

- a. *Maintenance of Town accounting records and financial statements;*
- b. *Payment of all Town obligations, after securing required approvals;*

- f. c. Monitoring of all expenditures of Town funds;
- e. d. Timely reporting to the Selectmen and to other appropriate boards of actual or foreseeable incurring of obligations or expenditures of funds in excess of budgeted appropriations;

- h. e. Maintenance of payroll and other financial records relating to all Town personnel; **and**

- i. *Preparing and supervising purchasing and inventory control procedures;*

- j. *Administering the disposal of Town property;*

- k. f. At regular intervals send to each board a statement of the funds expended during the preceding month and a statement of the balances remaining under appropriated budgets; **and.**

- l. *Supervision of all data processing;*

~~24-2. Director.~~ The Department shall be headed by a Director of Financial Services (the "Director"). The Director shall be appointed by the Selectmen for a term of three years commencing on July 1. The Director shall supervise and manage the Department of Financial Services and shall be ex-officio the Town Comptroller and Town Accountant.

~~24-3 19.43.~~ Treasurer and Collector of Taxes. The Town shall have a Town Treasurer and Collector of Taxes, who shall be appointed annually as of July 1 by the Director, subject to the approval of the Selectmen. The Treasurer and Collector of Taxes shall be subject to the direction and supervision of the *Executive Director. The Treasurer and Collector of Taxes* shall have, except as otherwise expressly provided by these bylaws, the powers and duties vested by law in town treasurers and collectors of taxes. Among the duties and responsibilities of the Treasurer and Collector of Taxes shall be the following:

- a. Collection of taxes and other funds due the Town, including the receipt of payments made on utility bills prepared and sent by the Department of Public Works;
- b. Initiation, with the assistance of the *Executive* Director and with the approval of the Selectmen, of legal action to collect overdue funds payable to the Town;
- c. Delivery of copies of any notice required by General Laws, Chapter 60, of intent to take land for the Town for nonpayment of taxes and of subsequent action relating to such taking and copies of any court order of judgment with respect to the validity or invalidity of the title in any parcel of land so taken, to the Selectmen, Planning Board, Board of Public Works, Natural Resources Commission, Housing Authority, Recreation Commission, School Committee and any other board that may request such notice, or their successors; and
- d. Investment of Town funds in accordance with the guidelines and criteria set by the Board of Selectmen for the investment of any and all types of Town funds as provided in Article 19-6:3 *19.5.3. Investment of Town Funds.*
- e. Inform all licensing authorities and assist in the collection of unpaid taxes, fees, assessments, betterments, and other municipal charges in accordance with the following procedure:
 - (I) The Tax Collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as The Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(II) The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Licensing Authority from the Tax Collector; provided, however, that written notice is given to the party and the

Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such license denial revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Licensing Authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as the date of issuance of said certificate.

(III) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(IV) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section one of Chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: (The references hereinafter set forth being to the General Laws): Open Burning (Section thirteen of Chapter forty-eight); Bicycle Permits (Section eleven A of Chapter eighty-five); Sales of Articles for Charitable Purposes (Section thirty-three of Chapter one hundred and one); Children Work Permits (Section sixty-nine of Chapter one

hundred and forty-nine); Clubs and Associations Dispensing Food or Beverage Licenses (Section twenty-one E of Chapter one hundred and forty); Dog Licenses (Section one hundred and thirty-seven of Chapter one hundred and forty); Fishing, Hunting, Trapping License (Section twelve of Chapter one hundred and thirty-one); Marriage Licenses (Section twenty-eight of Chapter two hundred and seven) and Theatrical Events, Public Exhibition Permits (Section one hundred and eighty-one of Chapter one hundred and forty).

244 19.4.4. Purchasing Guidelines. The *Executive* Director, in cooperation with the Superintendent of Schools, the Director of Public Works and any other Town Officers selected by the *Executive* Director, shall adopt policies and procedures governing the process by which each board or department of the Town purchases or leases any item or service. The policies and procedures shall, among other things:

- a. Implement the several General Laws governing procurements by all Town departments, by providing internal procedures and guidelines for all Town procurements including, without limitation, those procurements governed by General Laws, Chapter 30B, the Uniform Procurement Act, and such other governing authority, when deemed by the *Executive* Director to be helpful to the procuring departments and to the Department of Financial Services;
- b. Ensure compliance with the 3-year limitation in procurement contracts governed by the Uniform Procurement Act, except to the extent a longer term has been authorized by Town Meeting pursuant to General Laws, Chapter 30B, Section 12 (B), in the following respects:

<u>TYPE OF CONTRACT</u>	<u>LIMIT ON DURATION</u>
1. Communication, (Equipment and/or servicing thereof)	5 Years
2. Trash removal from municipal buildings	5 Years
3. Transportation of school children	5 Years

- c. Facilitate cooperation among all Town boards and departments to ensure that, to the extent possible, all Town boards and departments jointly purchase materials and

supplies used by more than one boards and department;

- d. Encourage bidding for serial purchasing of major items, as defined by the *Executive* Director, by requiring that each board or department prepare annually a schedule of the anticipated quantity of major items to be purchased and the anticipated timing for writing specifications, advertising for bid, awarding contracts, and receiving the merchandise.

245 19.4.5. Inventory Records and Controls. The *Executive* Director shall adopt policies and procedures by which all boards and departments maintain inventory records of all Town supplies, materials, and equipment and the procedures to be used for maintaining inventory controls.

246 19.4.6. Payment of Town Funds. The *Executive* Director shall adopt policies and procedures governing the disbursement of Town funds. These policies and procedures shall, among other things, require that payment for purchases shall be processed in the following manner:

- a. No money shall be paid from the treasury of the Town without a warrant or order prepared by the Director of Financial Services Town Accountant and signed by a majority of the Selectmen.
- b. The Director of Financial Services Town Accountant shall have custody of all vouchers which have been entered on warrants for payment and approved by the Selectmen and Director of Financial Services. These vouchers shall be available for inspection during regular business hours. Whenever the account of any appropriation, other than an appropriation for a special purpose (such as a construction contract), for which the work has not been completed shows an unexpended balance at the end of the fiscal year, such balance (except in the case of the Electric Municipal Light Department Plant) shall revert to the treasury of the Town as unappropriated funds; and
- d. No work, the payment for which is in any part to be contributed voluntarily by private individuals, firms, or corporations shall be performed by the officer, official, department, or board of the Town having charge thereof, until a sufficient sum has been deposited with the Town Treasurer to cover such voluntary contributions.

247 19.4.7. Disposal of Town Property. The *Executive* Director shall adopt policies and procedures governing the disposal of surplus and

obsolete Town property. "Disposal" includes any method by which the officer, official, board, or department responsible for the property terminates or substantially reduces its right to control the property. The policies and procedures shall, among other things:

- a. Implement the General Laws governing the disposal to a third party of a tangible supply no longer useful to the Town but having re-sale or salvage value (General Laws, Chapter 30B, Section 15) and the rental, conveyance or other disposition of real property (General Laws, Chapter 30B, Section 16).
- b. Establish internal procedures to ensure that no tangible or real property of the Town shall be disposed of to a third party without first ascertaining that it is not in the Town's interest to retain and/or transfer the property to another Town department.
- c. Provide that no property belonging to the Municipal Light Plant having a value in excess of \$30,000, no other tangible Town property having a value in excess of \$10,000, and no real property shall be disposed of without Town Meeting approval.
- d. Provide that each board, officer, official, and department shall annually view its property for obsolescence and report thereon to the *Executive* Director and shall promptly take steps for all surplus and obsolete property.

~~24-8~~ 19.48. Evasion. No action shall be taken to increase or decrease, by combination or division or in any other way, the value of any item, service, or piece of property so as to avoid the effects of policies and procedures adopted by the *Executive* Director under Sections ~~24-4~~ 19.44, and ~~24-7~~ 19.47.

~~24-9~~ 19.49. Annual Report. In addition to the requirements of Article 4, the *Executive* Director's annual report shall satisfy the requirements of Chapter 41, Section 61 of the General Laws and shall include financial statements showing the financial condition of the Town at the close of the last completed fiscal year, the results of operations in the fiscal year last completed (in the usual accounting format but of limited length and complexity), and a summary statement of (i) all investments made by the Town during the last completed fiscal year, including the rates of return, (ii) all borrowings, including amounts, rates of interest, and names of lenders from whom the money was borrowed and (iii) a list of insurance policies showing the property covered, the amount of each policy, the premiums, the names of the insurers, and the agents through whom the policies were purchased. The *Executive* Director's report need not repeat information

contained in the annual report of the Audit Committee.

PART V. TOWN MEETING DUTIES

~~19-43~~ 19.51. Town Meeting. The Selectmen are responsible for calling all Town Meetings and shall take such actions as are required by law or by Article 8 of these bylaws relative to Town Meeting.

~~19-44~~ 19.52. Closing of Warrant. The Selectmen shall, by notice to each board and by notice in a newspaper generally circulated in the Town, specify the date when the warrant for any Town Meeting shall close.

~~19-45~~ 19.53. Copies of Warrant. The Selectmen, after drawing a warrant for a Town Meeting, shall transmit as soon as possible a copy of the same to each member of the Advisory Committee and to each Town Meeting Member.

~~19-46~~ 19.54. Copies of Motions. The Selectmen shall distribute copies of all draft motions received by them to the Moderator, Advisory Committee, Town Counsel, and to any board which in its opinion is likely to have an interest in the motion, so that they may communicate with the author of the motion as far in advance of the meeting as possible. Copies of such drafts shall also be available for public inspection at the Selectmen's office and at the Wellesey Free Library.

~~ARTICLE 24. (Deleted) 24-10. General Provisions.~~ The Department shall also be governed by the applicable provisions of Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 32. RETIREMENT BOARD

32.1. Membership. The Town shall have a Retirement Board consisting of three persons selected in accordance with Chapter 32, Section 20(4), of the General Laws:

- a. The *Executive* Director of *Financial General Government* Services, ex officio;
- b. A person elected by the members in service of the Town retirement system from among their number, or from among persons retired from such system;
- c. A person chosen by the other two members of the Board. If the third member is not chosen by the other two members within thirty days after the expiration of the term of

the third member, that member shall be appointed by the Selectmen.

32.2. Terms. The term of office for the elected and appointed members shall be three years. Election of a member shall be held under the supervision of the Retirement Board.

32.3. Vacancies. In case of a vacancy, a successor shall be elected or appointed in the same manner as the former member.

32.4. General Duties. The Board shall have the powers and duties of retirement boards under Chapter 32 of the General Laws. These include managing the Town contributory retirement system.

32.5. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

February 21, 1995

Wellesley Town Government Committee Appendix E

Status Report of The Executive Director of
General Government Services to the Wellesley
Town Government Committee as Contemplated by Vote of the
1994 Annual Town Meeting Pursuant to Article 14 Thereof

Recommendations from Article 14 of the 1994 Annual Town Meeting

Recommendation (1), relating to the provision of Centralized Staff Support;

The Board of Selectmen shall be given the authority and obligation to support the activities of Boards and departments by the provision of centralized services in the following areas:

*Management Information Systems,
Financial Administration,
Purchasing,
Personnel Administration,
Long range building maintenance.*

The details of how best to accomplish these services should be determined by the Executive Director in collaboration with the departments, and that all Town Boards and Committees are hereby asked to implement this recommendation within existing Bylaws.

As requested by the 1994 Annual Town Meeting, the Board of Selectmen directed the Executive Director to address the recommendations made by the 1994 Annual Town Meeting regarding the provision of centralized services in certain identified areas.

We have begun the process of laying the groundwork for greater centralization in all the identified areas, while still enabling all Boards and Committees to maintain their independence in terms of their individual responsibilities.

Management Information Systems ---

The Town's Network and Information Systems Department (NIS) has begun the process of bringing all Town departments into one computer network. With funds appropriated by the 1994 Annual Town Meeting, NIS established a pilot computer network between several offices within the Town Hall. This pilot project has already reaped significant benefits for the

departments involved, thanks to the ability to share documents through a centralized computer file system. The FY96 proposed budget includes a request for \$83,000 to continue the expansion of this program (a detailed report on this program is provided in the "Long Range Network Implementation Plan" prepared by NIS).

Financial Administration and Personnel Administration ---

Extensive research has been done during the current fiscal year on a comprehensive payroll/human resources computer application which will allow both payroll and personnel information to be input directly by departments into a centralized system. This system will reduce the amount of effort required to maintain records, improve the accuracy of those records, and allow information to be generated in a coordinated manner. Specifications for the system have been developed by representatives of the user departments and the FY96 proposed budget includes a request of \$150,000 for this project.

Purchasing ---

While purchasing decisions are ultimately the responsibility of each department, purchasing information which may be helpful to departments is distributed by the Financial Services Department. Information regarding state contracts is particularly useful because purchases made under those contracts do not require the lengthy bid procedures otherwise mandated by state law. State contract information is periodically received from the State Department of Procurement, but this information is often several months out of date by the time it is received. In an effort to improve the timeliness and availability of this and other helpful information from the State, the Town is taking part in a pilot program called MAGNet (Massachusetts Access to Government Network) Services. This pilot program, which has been developed by the State's Executive Office of Administration and Finance, Office of Management Information Systems, will enable member communities to access state contract indices, the Goods and Services Bulletin, purchasing regulations, surplus property lists and related information through an internet connection. Having regular access to the State's centralized repository of information, together with improved abilities to easily and accurately disseminate that information through a network system to Town departments, should make the procurement process easier.

Long range building maintenance ---

Currently, building maintenance is the responsibility of the individual departments. While the larger departments tend to have sufficient staff resources and expertise dedicated to building maintenance, the smaller

ones do not. This problem is further compounded by the fact that some of the smaller departments with limited staff resources are responsible for maintaining the older, and in some cases historic, town-owned facilities. The general management staff in these smaller departments have neither the expertise nor the specialized knowledge required to identify, prioritize, plan and program needed maintenance projects. Three possible approaches to addressing long range building maintenance are: 1) the consolidation of town-wide maintenance services; 2) the creation of a new position or department within General Government Services; and 3) the contracting out to a private firm to provide maintenance services. As an initial step in exploring these (and possibly other) options, the Town is taking advantage of a "peer-to-peer" program offered through the State Executive Office of Communities and Development. Through this program the Town will be able to tap into the knowledge of other local officials who have faced similar situations, and learn from their experience. Based on the information received, the Executive Director will develop options for consideration by all interested Boards.

Recommendation (2), relating to an Improved System of Citizen Inquiries:

An improved centralized customer information/referral activity should be established, under the Selectmen, to provide improved support for citizens who need to deal with Town Departments. This recommendation is not intended to suggest that all questions regarding all activities would be answered in one location, efficient referral will be the more likely way to respond to many customer requirements.

The details of how best to accomplish this purpose should be determined by the Executive Director in collaboration with affected departments, and that all Town Boards and Committees are hereby asked to implement this recommendation within existing Bylaws.

Several steps have been taken over the past year to improve the assistance provided to citizens who contact Town offices.

The Executive Director has instituted regular monthly meetings of all Town department heads. Through these monthly meetings the Executive Director has kept other departments informed about the activities of the Board of Selectmen and has provided the opportunity for all Town departments to share information regarding their activities on a regular basis. A benefit of these meetings is that individual departments are more aware of issues affecting the town, and departments are better able to accurately direct citizen inquiries appropriately.

The office of the Executive Director has published, and regularly updates, a telephone directory of Town Offices which is distributed to all Town Departments. This directory is intended to help each department easily refer inquiries between departments as needed. The Office has also made modifications to the Town Hall's automated telephone system to provide callers with a "live person" more quickly when desired, while still enabling callers to take advantage of the voice mail system when they wish to do so.

The Executive Director will continue to work to improve the support provided to citizens as they deal with Town offices.

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